

ORDINANCE ____-12

SPECIFYING THE CONDITIONS AND CIRCUMSTANCES UNDER WHICH THE COCHISE COUNTY SANITARY CODE MAY BE ENFORCED

Section 1 Authority and Purpose

- a. Pursuant to A.R.S. §11-251(17) and (31) and §11-251.05(2), the Board of Supervisors is authorized to make rules and regulations, not inconsistent with the rules and regulations of the Arizona Department of Health Services for the protection and preservation of public health.
- b. Pursuant to A.R.S. §36-186, the Director of the local health department can enforce and observe the rules of the director of the department of health services, the director of the department of environmental quality and the local board of health, county rules and regulations concerning health, and laws of the state pertaining to the preservation of public health and protection of the environment.
- c. Pursuant to A.R.S. §11.251.05(2), a person violating a county ordinance may be guilty of a Class 1 Misdemeanor.
- d. The regulations in the Sanitary Code are adopted by the authority granted by A.R.S. §36-132, §49-104, §49-765, §49-791, §11-251(17) and (31), §11.251.05(2) and §36-601, as amended.
- e. It is in the best interest of the citizens of this County that an Ordinance be adopted to specify the conditions and circumstances covered in the Cochise County Sanitary code and the means for enforcement.

Section 2 Definitions

“Sanitary Code” means all of the regulations, sections and subsections which were adopted by the Board of Supervisors pursuant to A.R.S. §36-186, as amended, and which remain in force, and §11-251(17) and (31), and §11-251.05(2), as amended.

Section 3 Regulation of Sanitary Conditions

Food may be examined or sampled by the Department as often as necessary for enforcement of the Regulation. The Department may seize, condemn, or destroy any food which is in violation of these regulations or is adulterated or misbranded as defined under

A.R.S. §36-904 to §36-907, as amended. For any condemnation, or destruction of food, the Department shall follow the provisions of A.R.S. §36-910, as amended.

Any person, who constructs, operates or maintains a trailer coach park contrary to the provisions of this Regulation is subject to the penalties provided by law.

All public and semi-public bathing places which do not comply with the minimum standards of the Regulation shall be considered a public nuisance dangerous to public health.

Section 4 Enforcement

Any person who violates any provisions of this regulation shall be guilty of a Class 3 Misdemeanor pursuant to A.R.S. §36-191, §36-140, and §11-251.05(2), as amended.

In addition, the Director may proceed under A.R.S. §36-602, as amended.

All public school nuisances shall be abated through the procedures established in A.R.S. §36-601, as amended, or by any other means permissible by law.

Pursuant to the Solid Waste Regulation, any person who violates 1 and 2 of Section 4 shall be guilty of a Class 3 Misdemeanor. Any person who violates subsection 3 of Section 4 shall be guilty of a Class 2 Misdemeanor and in addition, shall be subject to a civil penalty in an amount not to exceed \$1,000, as provided in A.R.S. §49-783 and §49-791, as amended.

Nothing in Section 3 of Regulation 21 is to be taken to preclude the Director from seeking any other remedies provided by law for abating such public health nuisances, including but not limited to injunctive relief.


PASSED AND ADOPTED BY THE Board of Supervisors of Cochise County, Arizona, this 24th day of July, 2012.

Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:

Katie A. Howard
Clerk of the Board

APPROVED AS TO FORM:



Terry Bannon
Civil Deputy County Attorney

CERTIFICATION

I hereby certify that I am the duly appointed, qualified, and Deputy Clerk of the Cochise County Board of Supervisors, Bisbee, Arizona; that as such, I have in my possession all of the original Ordinances adopted by the Cochise County Board of Supervisors; and that the attached is a true and correct copy of Ordinance ____-12 approved at the Board of Supervisors meeting on July 24, 2012 and published in the Arizona Range News on July 31, 2012, as it appears in my records.

Dated this 31st day of July, 2012.

Katie Howard
Clerk of the Board
Cochise County Board of Supervisors